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VIEWPOINT
By Stuart Cohen

How SCO's Threats Rallied Linux

Thanks to quick action from fans large and small, the legal offensive against the open-source software is helping make it stronger

We all read the headlines warning of dark times ahead for Linux and the open-source software movement.

"Suit imperils prospects for Linux," said the *Boston Globe*. "Free software faces a rocky road to court," warned *The Financial Times*. "One billion dollar lawsuit against IBM could taint Linux," cautioned the *Seattle Times*.

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software code or maligning SCO's title to Unix, and with a lawyer like David Boies -- whose clients have included IBM and the Justice Department in the Microsoft (**MSFT**) antitrust case -- on its team, SCO had to be taken seriously when it reportedly sent 1,500 letters to the world's largest corporations threatening them with legal action.

BOOMERANG EFFECT. But a funny thing happened on the way to the courthouse: Instead of mortally wounding Linux, the litigation and threats only made it stronger. According to the market research firm IDC, annual Linux-related information-technology revenue prior to the SCO allegations was less than \$10 billion. In 2004 the estimate exceeded \$14 billion, and IDC projects that sales should reach \$35 billion by 2008.

Guess what? The SCO litigation and surrounding media hoopla actually helped accelerate Linux's popularity -- and its legal foundation. SCO's legal offensive was effectively a wake-up call for a community, mobilizing and uniting a large but disparate group of customers and developers around a single cause. It spurred the Linux community to get its house in order. Its response revealed to the world how large that house had become and gave Linux newfound credibility.

Linux developers, assisted by such interested parties as the Free Software Foundation, Groklaw, and my own organization, the Open Source Development Lab (OSDL), went to work to systematically examine every claim SCO put forth. As part of this grassroots effort, corporate developers and freelance contributors investigated and vetted the code from A to Z -- and back again. Offers to extract and rewrite any offending code in the Linux kernel were fielded from all over the globe.

EDUCATION CAMPAIGN. OSDL initiated several programs specifically designed to increase Linux customer confidence and peace of mind. In January, 2004, OSDL created the Linux Legal Defense Fund to defray the legal expenses of Linux customers involved in litigation with SCO Group. Separately, OSDL worked directly with the Linux kernel community -- the people who develop the heart of Linux software -- to institute the Developer's Certificate of Origin (DCO) to facilitate future audits of contributions to the Linux kernel. We also initiated an industrywide education campaign to promote understanding of how Linux is "built" and to reaffirm the sound practices underlying that building process.

All of these efforts and others soon to come will continue in 2005 and beyond. They won't because of lawsuits such as SCO's or the quiet conversations already started by those who suggest patents as the next battleground. Collectively, these steps taken by the friends of Linux and open-source will continue to help this market mature and solidify its legal foundation.

This swift response to SCO's allegations is to be expected from those with a commercial interest in Linux' growth and success. More surprising -- and more important -- is the response of Linux customers. Many quickly joined the debate, denouncing SCO's actions. Moreover, thousands of companies conducted due diligence on the open-source software they had been using. These internal audits

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and license compliance reviews became the most sweeping and intensive since the Y2K overhaul.

A GREAT GIFT. The result? I don't believe any evidence was found that Linux exposes customers to risks much different from, or any more threatening than, those associated with proprietary software. And the reviews also generated a greater appreciation among customers for the open-source software development process.

This vindication is perhaps SCO's greatest gift to the industry. The lawsuits and threatening letters literally forced customers to actively review and ultimately approve and endorse the use of Linux within their info-tech infrastructure.

On the way to the courthouse, we can thank SCO for helping to move Linux even faster from the fringe of the computer network to the heart of the data center.

Cohen is CEO of the Open Source Development Lab

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